D.B. CIVIL SPECIAL APPEAL (W)NO.306/2006

State & Ors.
Vs.
Veenu Borana

Date of Order :: 14-11-2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Rameshwar Dave, Dy.G.A. for the State.
Shri N.R. Choudhary, for the respondent.

This appeal is directed against the order of the learned Single Judge disposing of the writ petition of the respondent following the judgment in Jaiwanti Solanki Vs. State of Rajasthan, SBCWP no.784/2004 decided on 14.12.2005.

The dispute relates to appointment on the post of Nurse Gr.II. The respondent applied for appointment under the OBC category and she secured 61.107% marks. It is not in dispute that last candidate selected in the general category had secured 60.012% i.e. less than the respondent. In the case of Jaiwanti Solanki, it was held that where the person belonging to OBC category secures sufficient marks for appointment in the general category, the authorities are obliged to consider his case in that category. The order was in accordance with law laid down by the Apex Court in Indira Sawhney & Ors. Vs. Union of India & Ors, 1992 Supp.(3)SCC 217. The learned Single Judge therefore,

did not commit any error in upholding the claim of the respondent.

It is relevant to mention here that the appeal against the judgment in the case of Jaiwanti Solanki being Special Appeal no.245/2006 has been dismissed by a Division Bench of this Court on 27.10.2006.

In the result, the appeal is dismissed.

[MOHAMMAD RAFIQ],J. [S.N.JHA],CJ.

Praveen